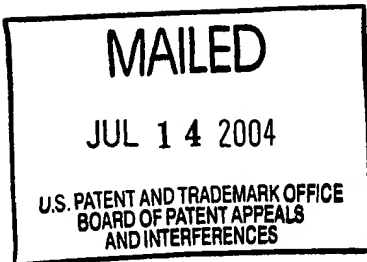


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL E. RING

Application 09/399,412

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on June 15, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

On September 2, 2003, appellant filed a Notice of Appeal (Paper No. 24) and a Request for Oral Hearing (no paper number given). The Patent and Trademark Office records reflect that the checks for the Notice of Appeal and Oral Hearing were inadvertently credited to Application Serial No. 09/**993**,412.

Application 09/399,412

In addition, section 707.08 of the **Manual of Patent Examining Procedure** (MPEP) (Eighth Edition, Rev. 1, Feb. 2003) states:

707.08 Reviewing and Initialing by Assistant Examiner

The full name of the examiner who prepares the Office action will, in all cases, be typed at the end of the action. . . .

After the action is typed, the examiner who prepared the action reviews it for correctness. The surname or initials of the examiner who prepared the action and the date on which the action was typed should appear below the action. If the examiner does not have the authority to sign the action, he or she should initial above the typed name or initials. . . .

The Examiner's Answer mailed February 10, 2004 (Paper No. 26) is deficient in that there is no signature or initials for Brian J. Broadhead. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1. for crediting the \$320 Notice of Appeal fee and the \$280 Oral Hearing fee to Application Serial No. 09/**399**,412 and not 09/**933**,412;

2. for noting the Request for Oral Hearing filed September 22, 2003 (no paper number given) on the Contents page of the file wrapper;


3. for taking correction action regarding the signature or initials for Brian J. Broadhead;

4. for written notification to appellant regarding the action taken; and

5. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:

A handwritten signature in black ink, appearing to read "Dale Shaw", written over a horizontal line.

DALE SHAW

Program and Resource Administrator
(703) 308-9797

cc: James Ray & Associates
2640 Pitcairn Road
Monroeville, PA 15146

DS/psb/lc
ra040640